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TC1600 RESTRICTION PRACTICE ACTION PLAN

This action plan is designed to improve the quality and consistency of restriction practices in TC1600. The need for this action plan is based on both the results of internal work product reviews and input from applicants and attorneys. As opposed to other Technology Centers, restriction practice in TC1600 is complicated by the complexity of the technology, the types of claim sets being filed on these complex technologies, and the difficulty applying current restriction practice guidelines to claims presented in TC 1600.

This "5-point" action plan will (1) publish examples of claim sets, (2) emphasize rejoinder practice, (3) deliver and publish updated examiner training on restriction practice, (4) enhance the quality review of restriction requirements, and (5) assess the progress of the action plan.

The action plan will be implemented at the same time that the Agency is conducting a study of long-term restriction practice reforms. TC 1600 will begin implementation of this action plan immediately and contemplates that it will be fully implemented in six to nine months.

1. PUBLISH EXAMPLES OF CLAIM SETS

We will publish examples of sets of claims that will be examined together regardless of whether they can otherwise be restricted under 35 USC §121 because the search and examination of the claims have been determined not to present a serious burden on the Office at the present time. This will help address some of the issues raised by customers concerning certain types of inventions that they wish to be examined in the same application.

We will also publish examples of claim sets where current rules regarding restriction are difficult to apply.

2. EMPHASIS ON REJOINDER PRACTICE

We will, in TC1600, include a form paragraph with all restrictions reminding applicants of their options under rejoinder practice. Both applicants and examiners often overlook the issue of rejoinder. This form paragraph in our Office actions will be a clear reminder to applicants of their ability to request rejoinder under the appropriate conditions. Use of this form paragraph will begin immediately.

3. EXAMINER TRAINING ON RESTRICTION PRACTICE

We will deliver restriction practice training to all TC 1600 examiners, including training examples targeted to specific workgroups within TC 1600, focusing on

- high-impact art units first. This training will focus on proper restriction practices including appropriate analyses and grouping of claims, and proper formulation of and support for a restriction requirement. The training materials will be published on the USPTO website.

4. ENHANCED REVIEW OF RESTRICTION REQUIREMENTS

We will implement a second pair-of-eyes review on restrictions throughout Technology Center 1600, beginning with art units where either (1) the number of restrictions is particularly high, or (2) indications of poor quality restrictions are noted in the reviews. This includes a review of not only first action restrictions, but also all restriction requirements in second and subsequent Office Actions.

This will allow us to screen and correct specific cases, as well as identify problem areas for training. This will also help address some specific complaints concerning the number and types of restriction requirements in second and subsequent Office Actions. This second pair-of-eyes initiative will begin immediately.

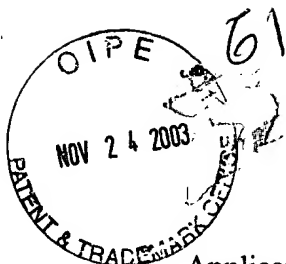
5. CONTINUOUS ASSESSMENT

In order to assess the impact of this restriction practice action plan, we will:

- Sample restrictions at periodic intervals to monitor quality and average number of divided inventions. This includes a special review of all applications in which a restriction decision has been petitioned,
- Monitor the number and quality of second and subsequent restrictions, and
- Survey customers, for example at quarterly Biotech/Chemical/Pharmaceutical Customer Partnership meetings, for their perception of TC 1600 restriction practices.

KEY: =online business system =fees =forms =help =laws/regulations =definition (glossary)

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Attorney's Docket No.: 09531-096001/99140

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TECH CENTER 1600/2900
AF/1600

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Zoltan Kiss
Serial No. : 09/873,654
Filed : June 4, 2001
Title : COMPOSITIONS AND METHODS FOR STIMULATING WOUND HEALING
AND FIBROBLAST PROLIFERATION

Art Unit : 1654
Examiner : M. Meller

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Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

TRANSMITTAL LETTER

The following documents relating to this application are enclosed.

1. Response to Final Office Action (6 pages);
2. TC1600 Restriction Practice Action Plan (3 pages); and
3. Postcard.

Please apply any charges or credits to Deposit Account No. 06-1050.

Respectfully submitted,

Date:

November 21, 2003

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November 21, 2003

Date of Deposit

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Signature

Jill Hujo

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RESPONSE

In response to the Office Action mailed August 26, 2003, please amend the application as indicated on the following pages.

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